

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED _____
	:	
SANTOS MENDEZ, a/k/a “Red Alert,”	:	VIOLATIONS: 18 U.S.C. § 1951(a)
a/k/a “Red” a/k/a “Julio C. Valentin”	:	(Conspiracy to affect commerce by
a/k/a “Julio Cesar Monrroy”	:	robbery – 1 count)
FRANK JUSTINIANO, a/k/a “Frankie,”	:	18 U.S.C. § 1951(a)
FRANCIS JUSTINIANO,	:	(Interference with commerce by robbery
VICTOR CHALUISAN, a/k/a “Vic,” and	:	- 1 count)
ANTONIO FIGUEROA, a/k/a “Tone”	:	18 U.S.C. § 924(c)(1)(A)(ii)
	:	(Using and carrying a firearm during the
	:	commission of a violent crime – 1 count)
	:	18 U.S.C. § 922(g)(1)
	:	(Possession of firearm by a convicted
	:	felon - 1 count)
	:	18 U.S.C. § 2
	:	(Aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about December, 2001, to in or about March, 2002, in the Eastern District of Pennsylvania and elsewhere, defendants

SANTOS MENDEZ, a/k/a “Red Alert,” a/k/a “Red,”
a/k/a “Julio C. Valentin,” a/k/a Julio Cesar Monrroy,”
FRANK JUSTINIANO, a/k/a “Frankie,”
FRANCIS JUSTINIANO,
VICTOR CHALUISAN, a/k/a “Vic,” and
ANTONIO FIGUEROA, a/k/a “Tone,”

conspired and agreed with each other and with others known and unknown to the grand jury, to unlawfully obstruct, delay and affect commerce and the movement of articles and commodities in

commerce, by robbery, in that the defendants planned and attempted to unlawfully take and obtain property, that is, money and firearms from persons known to the grand jury as “J.D.” and “M.R.,” and controlled substances, money, and firearms from others known and unknown to the grand jury, against their will, by means of actual and threatened force, violence and fear of injury, immediate and future, to their person and property, in violation of Title 18, United States Code, Sections 1951(a), (b)(1) and (b)(3).

MANNER AND MEANS

It was a part of the conspiracy that:

2. The defendants and others agreed to rob drug dealers of their controlled substances, and U.S. currency that was proceeds of drug transactions, which personal properties and the movement of which properties affected commerce.

3. The defendants agreed to rob the owners of a restaurant, J.D. and M.R., of the proceeds of that restaurant, which proceeds, and the business of which restaurant affected commerce.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its object, the following overt acts, among others, were committed by at least one member of the conspiracy in Philadelphia, in the Eastern District of Pennsylvania:

1. On or about December 21, 2001, defendant SANTOS MENDEZ and others known to the grand jury, telephoned and discussed obtaining a pizza box, which was to be used for concealing firearms and restraints, and to perpetuate a ruse to gain entry to commit a home-invasion robbery.

2. On or about December 28, 2001, defendant SANTOS MENDEZ and others known to the grand jury telephoned and discussed plans to commit a home-invasion robbery of Dominican drug dealers, to rob them of their controlled substances that had traveled to Philadelphia from New York, and U.S. currency that was proceeds of drug transactions.

3. On or about December 28, 2001, defendant SANTOS MENDEZ and others known to the grand jury conducted surveillance of the intended victims of the home-invasion robbery of the Dominican drug traffickers, and telephoned and discussed the presence of the victims' car, which bore New York license plates.

4. From on or about January 8, 2002, to on or about January 19, 2002, defendants SANTOS MENDEZ and FRANK JUSTINIANO, and others known to the grand jury, discussed by telephone plans to commit an armed home-invasion robbery of Dominican drug dealers, in order to rob them of their controlled substances and U.S. currency that was proceeds of drug transactions.

5. On or about January 9, 2002, defendant SANTOS MENDEZ and others known and unknown to the grand jury, attempted to commit an armed home-invasion robbery of Dominican drug traffickers.

6. On or about January 24, 2002, defendants SANTOS MENDEZ and VICTOR CHALUISAN discussed by telephone plans to commit a home-invasion robbery of drug traffickers, and waited for the intended victims to arrive.

7. From on or about January 1, 2002, to on or about January 25, 2002, defendants SANTOS MENDEZ, FRANK JUSTINIANO, FRANCIS JUSTINIANO, VICTOR CHALUISAN, and ANTONIO FIGUEROA discussed by telephone plans to enter the

Philadelphia home of J.D. and M.R., and to rob them at gunpoint, of property, including U.S. currency which was the proceeds of a restaurant belonging to and operated by J.D. and M.R., the business of which affected commerce.

8. On or about January 25, 2002, defendants SANTOS MENDEZ, FRANCIS JUSTINIANO, VICTOR CHALUISAN, and ANTONIO FIGUEROA, and others known to the grand jury, traveled to the area of the Philadelphia home of J.D. and M.R., armed with firearms to commit a home-invasion robbery of J.D. and M.R.

9. On or about January 25, 2002, defendants SANTOS MENDEZ, VICTOR CHALUISAN, and ANTONIO FIGUEROA entered, bearing firearms, the Philadelphia home of J.D. and M.R. by force, and by ruse, using a pizza box, thus placing the victims in fear for their lives and safety.

10. On or about January 25, 2002, defendant FRANCIS JUSTINIANO served as a getaway driver, remaining in a nearby vehicle while the home-invasion robbery of J.D. and M.R. occurred.

11. On or about January 25, 2002, defendants SANTOS MENDEZ, VICTOR CHALUISAN, and ANTONIO FIGUEROA held J.D., M.R., and their three-year-old daughter at gunpoint while robbing them in their home.

12. On or about January 25, 2002, defendants SANTOS MENDEZ, VICTOR CHALUISAN, and ANTONIO FIGUEROA took and caused the taking of J.D., M.R., and their three-year-old daughter, to the basement of their home in order to be tied up and restrained.

13. On or about January 25, 2002, defendants SANTOS MENDEZ, VICTOR CHALUISAN, and ANTONIO FIGUEROA robbed J.D. and M.R. of property, including a

firearm, jewelry, clothing, and approximately \$1600 in U.S. currency, which currency was the proceeds of a restaurant belonging to and operated by J.D. and M.R., the business of which restaurant affected commerce.

14. On or about January 29, 2002, defendants SANTOS MENDEZ, FRANK JUSTINIANO, and FRANCIS JUSTINIANO agreed to approach J.D. and M.R., in order to bribe and intimidate them into refusing to testify concerning the home-invasion robbery committed on or about January 25, 2002. FRANCIS JUSTINIANO provided the full name of M.R. to SANTOS MENDEZ and FRANK JUSTINIANO, and confirmed that M.R. was the victim.

15. On or about January 29, 2002, defendants SANTOS MENDEZ and FRANK JUSTINIANO discussed by telephone a home-invasion robbery of drug traffickers and the surveillance methods necessary to elude capture by the police.

16. From on or about February 3, 2002 to on or about February 5, 2002, defendants SANTOS MENDEZ and FRANK JUSTINIANO discussed by telephone approaching J.D. and M.R. in order to dissuade them from testifying about the home-invasion robbery.

17. On or about February 20, 2002, defendants SANTOS MENDEZ, FRANK JUSTINIANO, and others known and unknown to the grand jury, discussed by telephone a home-invasion robbery of drug traffickers.

18. On or about March 1, 2002, defendants SANTOS MENDEZ agreed to lend a firearm to someone unknown to the grand jury, for the purpose of committing another robbery of drug traffickers.

All in violation of Title 18, United States Code, Sections 1951(a), (b)(1) and (b)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 25, 2002, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

SANTOS MENDEZ, a/k/a “Red Alert,” a/k/a “Red,”
a/k/a “Julio C. Valentin,” a/k/a Julio Cesar Monroy,”
FRANK JUSTINIANO, a/k/a “Frankie,”
FRANCIS JUSTINIANO,
VICTOR CHALUISAN, a/k/a “Vic,” and
ANTONIO FIGUEROA, a/k/a “Tone,”

unlawfully obstructed, delayed and affected commerce, and the movement of articles and
commodities in commerce, by robbery, in that the defendants took and obtained property, that is,
money and a firearm, from persons known to the grand jury as “J.D.” and “M.R.,” against their
will, by means of actual and threatened force, violence and fear of injury, immediate and future,
to their person and property.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1) and (b)(3).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 25, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

SANTOS MENDEZ, a/k/a “Red Alert,” a/k/a “Red,”
a/k/a “Julio C. Valentin,” a/k/a Julio Cesar Monrroy,”
FRANK JUSTINIANO, a/k/a “Frankie,”
FRANCIS JUSTINIANO,
VICTOR CHALUISAN, a/k/a “Vic,” and
ANTONIO FIGUEROA, a/k/a “Tone,”

knowingly used and carried, and aided and abetted the use and carrying of, firearms, that is,
handguns, during and in relation to a crime of violence for which they may be prosecuted in a
Court of the United States, that is, conspiracy to affect commerce by robbery, in violation of Title
18, United States Code, Section 1951, as charged in Count One of this indictment.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii), and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 25, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

SANTOS MENDEZ, a/k/a “Red Alert,” a/k/a “Red,”
a/k/a “Julio C. Valentin,” a/k/a Julio Cesar Monrroy,” and
ANTONIO FIGUEROA, a/k/a “Tone,”

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, and aided and abetted the possession of, in and affecting interstate and foreign commerce, a firearm, that is, a Heckler & Koch model USP .45 caliber semi-automatic handgun, bearing serial number 29-019971.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney